

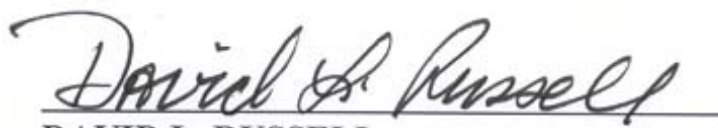
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KEVIN D. GOUCH,)	
)	
Petitioner,)	
)	
v.)	CIV-05-988-R
)	
JUSTIN JONES,)	
)	
Respondent.)	

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Gary M. Purcell entered November 29, 2005. Also before the Court is Petitioner's Objection filed December 6, 2005. The Magistrate Judge recommended that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice to refiling based upon Petitioner's failure to exhaust state court remedies. While Petitioner nominally objects to this disposition, he proffers no basis for his objection and affirmatively states that he intends to seek an appeal out of time in state court by filing a post-conviction relief application. Because Petitioner offers no basis for an objection to the Report and Recommendation and indicates that he intends to attempt to exhaust state court remedies, the Report and Recommendation of the Magistrate Judge is **ADOPTED** in its entirety, Respondent's motion to dismiss for failure to exhaust state court remedies is **GRANTED** and the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice to refiling for failure to exhaust state court remedies.

It is so ordered this 21st day of December, 2005.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE